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# HOUSE FILE NO. 3024

## *FIRST COMMITTEE ENGROSSMENT*

February 16, 2010

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The bill was read for the first time and referred to the Committee on Commerce and Labor

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*Referred by Chair to Labor and Consumer Protection Division.*

March 5, 2010

*Returned to the Committee on Commerce and Labor as Amended.*

1.1 A bill for an act  
1.2 relating to labor and industry; modifying the requirements of the Manufactured  
1.3 Home Building Code; amending Minnesota Statutes 2008, sections 327.31,  
1.4 subdivision 17, by adding subdivisions; 327.32, subdivision 1, by adding  
1.5 subdivisions; repealing Minnesota Statutes 2008, sections 327.32, subdivision 4;  
1.6 327C.07, subdivisions 3, 3a, 8.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2008, section 327.31, subdivision 17, is amended to read:

1.9 Subd. 17. **Installation.** "Installation" of a manufactured home means ~~assembly~~  
1.10 installation or reinstallation, at the site of occupancy, of all portions of a manufactured  
1.11 home, connection of the manufactured home to existing utility connections and installation  
1.12 of support and/or anchoring systems.

1.13 Sec. 2. Minnesota Statutes 2008, section 327.31, is amended by adding a subdivision  
1.14 to read:

1.15 Subd. 21. **Used manufactured home.** "Used manufactured home" means a home  
1.16 being offered for sale not less than 24 months after the first purchaser took legal ownership  
1.17 or possession of the home.

1.18 Sec. 3. Minnesota Statutes 2008, section 327.31, is amended by adding a subdivision  
1.19 to read:

1.20 Subd. 22. **Seller.** "Seller" means either the homeowner, manufactured home retailer  
1.21 or dealer, broker, or limited dealer or retailer.

1.22 Sec. 4. Minnesota Statutes 2008, section 327.32, subdivision 1, is amended to read:

2.1 Subdivision 1. **Requirement; new manufactured homes.** No person shall sell;  
 2.2 or offer for sale; in this state; any new manufactured home ~~manufactured after July 1,~~  
 2.3 ~~1972, or~~ manufacture any manufactured home in this state ~~or install for occupancy any~~  
 2.4 ~~manufactured home manufactured after July 1, 1972, in any manufactured home park in~~  
 2.5 ~~this state~~ unless the manufactured home complies with the Manufactured Home Building  
 2.6 Code and: bears a label as required by the secretary.

2.7 ~~(a) bears a seal issued by the commissioner, and is, whenever possible, accompanied~~  
 2.8 ~~by a certificate by the manufacturer or dealer, both evidencing that it complies with the~~  
 2.9 ~~Manufactured Home Building Code; or~~

2.10 ~~(b) if manufactured after June 14, 1976, bears a label as required by the secretary.~~

2.11 Sec. 5. Minnesota Statutes 2008, section 327.32, is amended by adding a subdivision  
 2.12 to read:

2.13 Subd. 1a. **Requirement; used manufactured homes.** No person shall sell or  
 2.14 offer for sale in this state any used manufactured home manufactured after June 14,  
 2.15 1976, or install for occupancy any used manufactured home manufactured after June  
 2.16 14, 1976, unless the used manufactured home complies with the Notice of Compliance  
 2.17 Form as provided in this subdivision. If manufactured after June 14, 1976, the home  
 2.18 must bear a label as required by the secretary. The Notice of Compliance Form shall be  
 2.19 signed by the seller and purchaser indicating which party is responsible for either making  
 2.20 or paying for any necessary corrections prior to the sale and transferring ownership of  
 2.21 the manufactured home.

2.22 The Notice of Compliance Form shall be substantially in the following form:

2.23 **"Notice of Compliance Form as required in Minnesota Statutes,**  
 2.24 **section 327.32, subdivision 1.**

2.25 This notice must be completed and signed by the purchaser(s) and the seller(s) of the  
 2.26 used manufactured home described in the purchase agreement and on the bottom of this  
 2.27 notice before the parties transfer ownership of a used manufactured home constructed  
 2.28 after June 14, 1976.

2.29 Electric ranges and clothes dryers must have required four-conductor cords and plugs.

2.30 Complies ..... Correction required .....  
 2.31 Initialed by Responsible Party: Buyer ..... Seller .....

2.32 Solid fuel-burning fireplaces or stoves must be listed for use in manufactured homes, Code  
 2.33 of Federal Regulations, title 24, section 3280.709(g), and installed correctly in accordance

3.1 with their listing or standards (i.e., chimney, doors, hearth, combustion, or intake, etc.,  
3.2 Code of Federal Regulations, title 24, section 3280.709(g)).

3.3 Complies ..... Correction required .....

3.4 Initialed by Responsible Party: Buyer ..... Seller .....

3.5 Gas water heaters and furnaces must be listed for manufactured home use, Code of Federal  
3.6 Regulations, title 24, section 3280.709(a) and (d)(1) and (2) and installed correctly, in  
3.7 accordance with their listing or standards.

3.8 Complies ..... Correction required .....

3.9 Initialed by Responsible Party: Buyer ..... Seller .....

3.10 Smoke alarms are required to be installed and operational in accordance with Code of  
3.11 Federal Regulations, title 24, section 3280.208.

3.12 Complies ..... Correction required .....

3.13 Initialed by Responsible Party: Buyer ..... Seller .....

3.14 Carbon monoxide alarms or CO detectors that are approved and operational are required  
3.15 to be installed within ten feet of each room lawfully used for sleeping purposes.

3.16 Complies ..... Correction required .....

3.17 Initialed by Responsible Party: Buyer ..... Seller .....

3.18 Egress windows are required in every bedroom with at least one operable window with  
3.19 a net clear opening of 20 inches wide and 24 inches high, five square feet in area, with  
3.20 the bottom of windows opening no more than 36 inches above the floor. Locks, latches,  
3.21 operating handles, tabs, or other operational devices shall not be located more than 54  
3.22 inches above the finished floor.

3.23 Complies ..... Correction required .....

3.24 Initialed by Responsible Party: Buyer ..... Seller .....

3.25 The furnace compartment of the home is required to have interior finish with a flame  
3.26 spread rating not exceeding 25 feet, as specified in the 1976 United States Department of  
3.27 Housing and Urban Development Code governing manufactured housing construction.

3.28 Complies ..... Correction required .....

3.29 Initialed by Responsible Party: Buyer ..... Seller .....

3.30 The water heater enclosure in this home is required to have interior finish with a flame  
3.31 spread rating not exceeding 25 feet, as specified in the 1976 United States Department of  
3.32 Housing and Urban Development Code governing manufactured housing construction.

3.33 Complies ..... Correction required .....

3.34 Initialed by Responsible Party: Buyer ..... Seller .....

4.1 The home complies with the snowload and heat zone requirements for the state of  
4.2 Minnesota as indicated by the data plate.

4.3 Complies ..... Correction required .....  
4.4 Initialed by Responsible Party: Buyer ..... Seller .....

4.5 The parties to this agreement have initialed all required sections and agree by their  
4.6 signature to complete any necessary corrections prior to the sale or transfer of ownership  
4.7 of the home described below as listed in the purchase agreement. The state of Minnesota  
4.8 or a local building official has the authority to inspect the home in the manner described in  
4.9 Minnesota Statutes, section 327.33, prior to or after the sale to ensure compliance was  
4.10 properly executed as provided under the Manufactured Home Building Code.

4.11 Signature of Purchaser(s) of Home  
4.12 .....date..... .....date.....  
4.13 ..... .....

4.14 Print name as appears on purchase Print name as appears on purchase  
4.15 agreement agreement

4.16 Signature of Seller(s) of Home  
4.17 .....date..... .....date.....  
4.18 ..... .....

4.19 Print name and license number, if applicable Print name and license number, if applicable  
4.20 (Street address of home at time of sale)

4.21 .....  
4.22 (City/State/Zip).....

4.23 Name of manufacturer of home.....

4.24 Model and Year.....

4.25 Serial Number....."

4.26 Sec. 6. Minnesota Statutes 2008, section 327.32, is amended by adding a subdivision  
4.27 to read:

4.28 Subd. 1b. **Alternative design plan.** An alternative frost-free design slab that is  
4.29 submitted to the department, stamped by a licensed professional engineer or architect, and  
4.30 is in compliance with the federal installation standards in effect at the date of manufacture  
4.31 or the Minnesota State Building Code, when applicable, shall be issued a permit by the  
4.32 department within ten days.

4.33 Sec. 7. Minnesota Statutes 2008, section 327.32, is amended by adding a subdivision  
4.34 to read:

4.35 Subd. 1c. **Manufacturer's installation instructions; new home.** All new  
4.36 single-section manufactured homes and new multisection manufactured homes shall be

5.1 installed in compliance with the manufacturer's installation instructions in effect at the  
5.2 date of manufacture or, when applicable, the Minnesota State Building Code.

5.3 Sec. 8. Minnesota Statutes 2008, section 327.32, is amended by adding a subdivision  
5.4 to read:

5.5 Subd. 1d. **Manufacturer's installation instructions; used multisection homes.**  
5.6 All used multisection manufactured homes shall be installed in compliance with either  
5.7 the manufacturer's installation instructions in effect at the date of manufacture, approved  
5.8 addenda or, when applicable, the Minnesota State Building Code.

5.9 Sec. 9. Minnesota Statutes 2008, section 327.32, is amended by adding a subdivision  
5.10 to read:

5.11 Subd. 1e. **Reinstallation requirements for single-section used manufactured**  
5.12 **homes.** (a) All single-section used manufactured homes reinstalled less than 24 months  
5.13 from the date of installation by the first purchaser must be reinstalled in compliance with  
5.14 subdivision 1c. All single-section used manufactured homes reinstalled more than 24  
5.15 months from the date of installation by the first purchaser may be reinstalled without  
5.16 a frost-protected foundation if the home is reinstalled in compliance with Minnesota  
5.17 Rules, chapter 1350, for above frost-line installations and the notice requirement of  
5.18 subdivision 1f is complied with by the seller and the purchaser of the single-section used  
5.19 manufactured home.

5.20 (b) The installer shall affix an installation seal issued by the department to the  
5.21 outside of the home as required by the Minnesota State Building Code. The certificate  
5.22 of installation issued by the installer of record shall clearly state that the home has been  
5.23 reinstalled with an above frost-line foundation. Fees for inspection of a reinstallation and  
5.24 for issuance of reinstallation seals shall follow the requirements of sections 326B.802  
5.25 to 326B.885. Fees for review of plans, specifications, and on-site inspections shall be  
5.26 those as specified in section 326B.153, subdivision 1, paragraph (c). Whenever an  
5.27 installation certificate for an above frost-line installation is issued to a single-section used  
5.28 manufactured home being listed for sale, the purchase agreement must disclose that the  
5.29 home is installed on a nonfrost-protected foundation and recommend that the purchaser  
5.30 have the home inspected to determine the effects of frost on the home.

5.31 Sec. 10. Minnesota Statutes 2008, section 327.32, is amended by adding a subdivision  
5.32 to read:

6.1 Subd. 1f. **Notice requirement.** The seller of the single-section used manufactured  
6.2 home being reinstalled under subdivision 1e shall provide the following notice to the  
6.3 purchaser and secure signatures of all parties to the purchase agreement on or before  
6.4 signing a purchase agreement prior to submitting an application for an installation  
6.5 certificate. Whenever a current owner of a manufactured home reinstalls the manufactured  
6.6 home under subdivision 1e, the current owner is not required to comply with the notice  
6.7 requirement under this subdivision. The notice shall be in at least 14-point font, except the  
6.8 heading, "WHICH MAY VOID WARRANTY," must be in capital letters, in 20-point font.  
6.9 The notice must be printed on a separate sheet of paper in a color different than the paper  
6.10 on which the purchase agreement is printed. The notice becomes a part of the purchase  
6.11 agreement, and it shall be substantially in the following form:

6.12 **"Notice of Reinstalling of a Single-Section Used Manufactured**  
6.13 **Home Above Frost-Line;**  
6.14 **WHICH MAY VOID WARRANTY**

6.15 It is recommended that the single-section used manufactured home being reinstalled  
6.16 follow the instructions in the manufacturer's installation manual. By signing this notice,  
6.17 the purchaser(s) are acknowledging they have elected to use footings placed above the  
6.18 local frost line in accordance with the Minnesota State Building Code.

6.19 The seller has explained the differences between the manufacturer's installation  
6.20 instructions and the installation system selected by the purchaser(s) with respect to  
6.21 possible effects of frost on the manufactured home.

6.22 The purchaser(s) acknowledge by signing this notice that there is no manufacturer's  
6.23 original warranty remaining on the home and recognize that any other extended or ancillary  
6.24 warranty could be adversely affected if any applicable warranty stipulates that the home  
6.25 be installed in accordance with the manufacturer's installation manual to remain effective.

6.26 After the reinstallation of the manufactured home, it is highly recommended that the  
6.27 purchaser(s) have a licensed manufactured home installer recheck the home's installation  
6.28 for any releveling needs or anchoring system adjustments each freeze-thaw cycle.

6.29 The purchaser(s) of the used manufactured home described below that is being reinstalled  
6.30 acknowledge they have read this notice and have been advised to contact the manufacturer  
6.31 of the home and/or the Department of Labor and Industry if they desire additional  
6.32 information before signing this notice. It is the intent of this notice to inform the  
6.33 purchaser(s) that the purchaser(s) elected not to use a frost-protected foundation system  
6.34 for the reinstallation of the manufactured home as originally required by the home's  
6.35 installation manual.

7.1 **Plain language notice.**

7.2 I understand that because this home will be installed with footings placed above the  
7.3 local frost-line, this home may be subject to adverse effects from frost heave that may  
7.4 damage this home. Purchaser(s) initials: .....

7.5 I understand that the installation of this home with footings placed above the local  
7.6 frost-line could affect my ability to obtain a mortgage or mortgage insurance on this  
7.7 home. Purchaser(s) initials: .....

7.8 I understand that the installation of this home with footings placed above the local  
7.9 frost-line could void my warranty on the home if any warranty is still in place on this  
7.10 home. Purchaser(s) initials: .....

7.11 Signature of Purchaser(s)

7.12 .....date..... .....date.....

7.13 ..... .....

7.14 Print name

Print name

7.15 **(Street address of location where**  
7.16 **manufactured home is being reinstalled)**

7.17 .....

7.18 **(City/State/Zip).....**

7.19 **Name of manufacturer of home.....**

7.20 **Model and year.....**

7.21 **Serial number.....**

7.22 Name of licensed installer and license number or homeowner responsible for the  
7.23 installation of the home as described above.

7.24 Installer name:.....

7.25 License number:....."

7.26 **Sec. 11. REPEALER.**

7.27 Minnesota Statutes 2008, sections 327.32, subdivision 4; and 327C.07, subdivisions  
7.28 3, 3a, and 8, are repealed.